



Council Communication

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: GREG CROSSMAN, P.E., DEVELOPMENT ENGINEER, 480-503-6815

THROUGH: MIKE GILLESPIE, P.E., TOWN ENGINEER
GREG TILQUE, DEVELOPMENT SERVICES DIRECTOR
MARC SKOCYPEC, ASSISTANT TOWN MANAGER

MEETING DATE: APRIL 19, 2012

SUBJECT: APPROVAL OF RESOLUTION OF ABANDONMENT FOR CERTAIN PUBLIC WATER LINE AND SEWER LINE EASEMENTS LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, T1S, R6E, ASSOCIATED WITH THE FINAL PLAT OF MAIN STREET COMMONS (MCR BOOK 753, PAGE 18).

STRATEGIC INITIATIVE: Infrastructure

This project supports Gilbert's Infrastructure Strategic Initiative as it supports the logical extension of infrastructure services to the subject site as well as the surrounding area.

LEGAL REVIEW

☒ Complete

☐ N/A

FINANCIAL REVIEW

☒ Complete

☐ N/A

RECOMMENDED MOTION

A MOTION TO APPROVE THE RESOLUTION OF ABANDONMENT FOR CERTAIN PUBLIC WATER LINE AND SEWER LINE EASEMENTS IN THE SOUTHWEST QUARTER OF SECTION 33, T1S, R6E, AND AUTHORIZE THE MAYOR TO EXECUTE THE REQUIRED DOCUMENTS..

BACKGROUND/DISCUSSION

The public water line and sewer line easements proposed to be abandoned by this action were dedicated to the Town in the Final Plat of Main Street Commons, recorded on June 8, 2005, in the Official

Records of the Maricopa County Recorder, Book 753, page 18. These easements are within an area bounded by Pecos Road on the north, Val Vista Drive on the west, and Market Street on the south and east.

The easements were dedicated to the Town at no cost in anticipation of specific developments taking place within this area. Since the time of dedication, development plans have changed due, in part, to changed economic conditions. Any future development plans within this area are expected to conflict with the existing easement layout. The owners of this property have therefore requested that the Town abandon the existing water line and sewer line easements. No actual water lines or sewer lines were constructed within these easements.

In the future, when new development plans for this area are proposed, replacement water line and sewer line easements will be obtained by Town staff as part of the normal development review and final plans approval process.

The Resolution was reviewed for form by Attorney Phyllis Smiley.

FINANCIAL IMPACT

There is no direct financial impact on the Town associated with these proposed abandonments. There is a positive indirect financial impact in that it will remove an encumbrance on the property, allowing for more flexibility in future development plans. When this property does develop, it will generate new construction activity within the Town and has the potential to create new employment opportunities and increase the Town's sales tax and property tax revenue base.

The financial impact was reviewed by Dawn Irvine, Budget Administrator.

STAFF RECOMMENDATION

All requirements for approval of this Resolution of Abandonment have been addressed. The Engineering Services Division, the Planning Division, and legal staff have reviewed the abandonments and recommend approval.

Respectfully submitted,

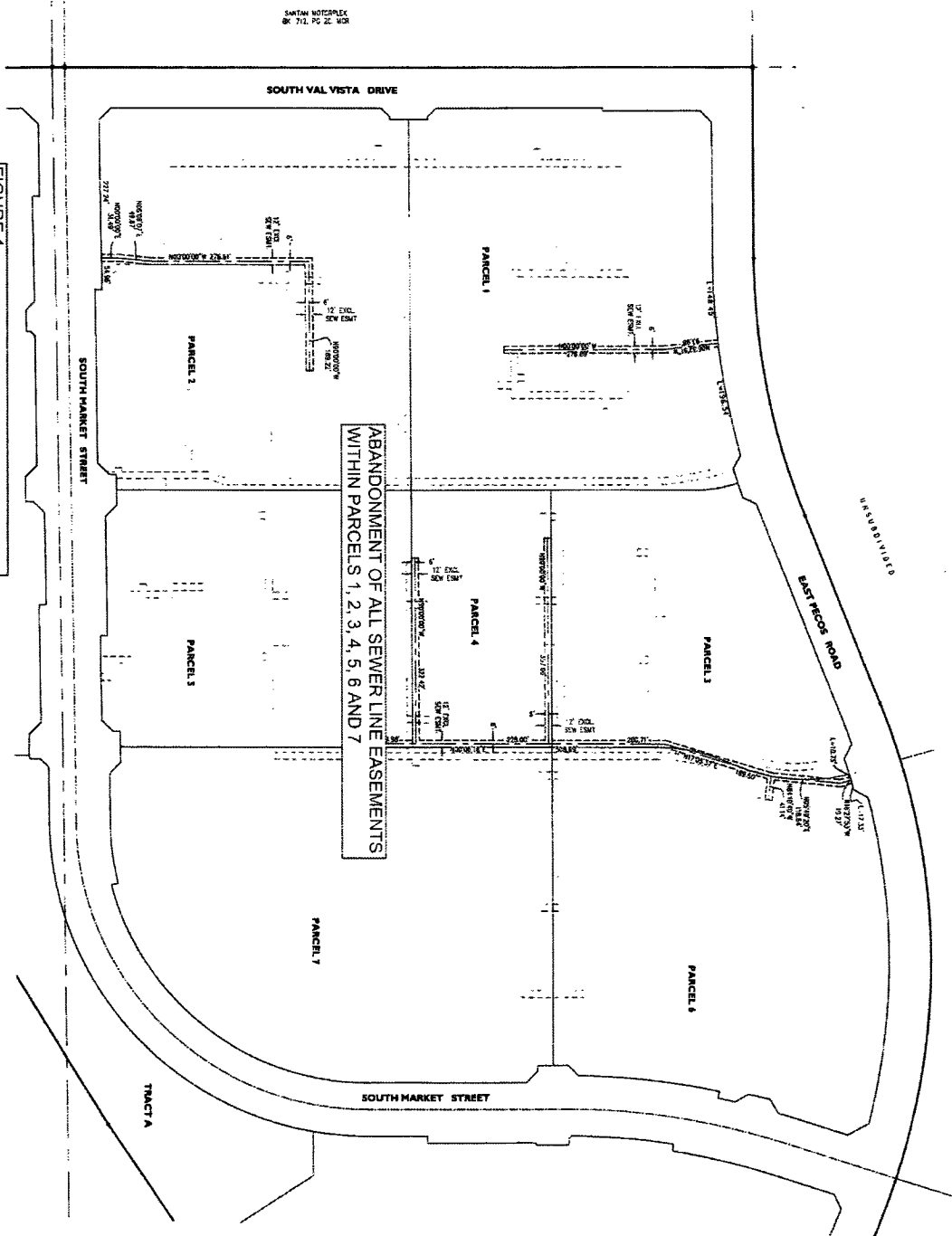


Greg Crossman, P.E.
Development Engineer
greg.crossman@gilbertaz.gov

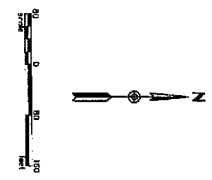
Attachment: Figure 1 – Sewer Easement and Water Easement Abandonment Maps
Authorizing Resolution w/Attached Exhibit A (Abandonment Description)

FIGURE 1
PAGE 1 OF 2
SEWER LINE EASEMENTS ABANDONMENT MAP
APRIL 10, 2012

EXCLUSIVE SEWER LINE EASEMENTS

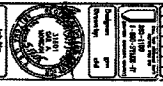


- LEGEND**
- ⊙ indicates Salt Brine Cop
 - ⊙ indicates Found Burialment
 - ⊙ indicates Owner of Substation
 - indicates Boundary of this Substation
 - ⊙ indicates 6" Public Utility Easement
 - ⊙ indicates Vehicular Non Access Easement



COUNTY RECORDER
BOOK 753 PAGE 18
OFFICIAL RECORD OF
MARICOPA COUNTY RECORDS
2005-0769779

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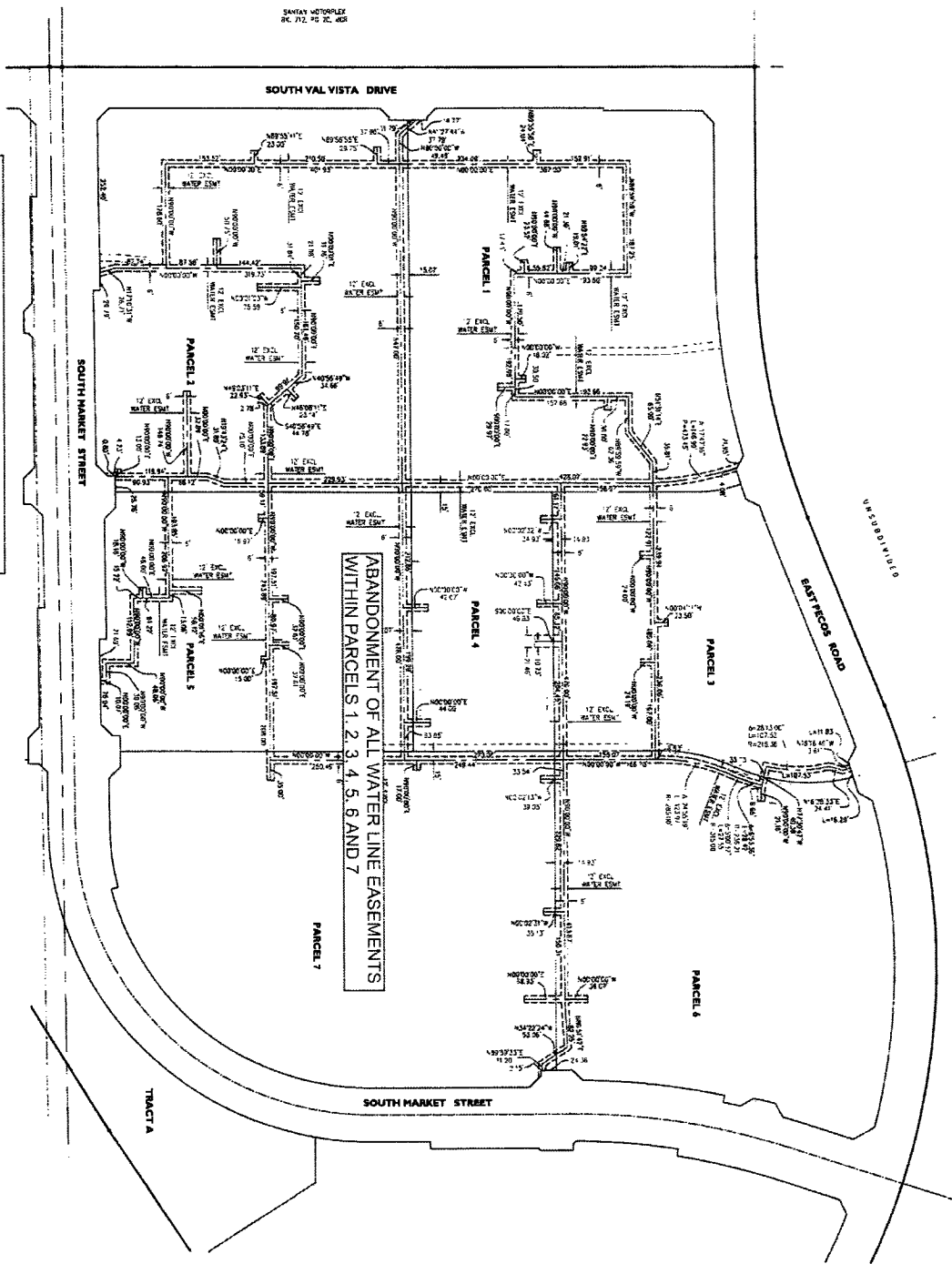


MAIN STREET COMMONS
CHARTER TOWN
FINAL PLAT

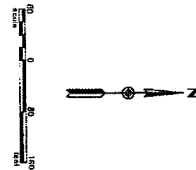
Geps group, Inc.
Engineers, Planners & Surveyors
2210 E. Country Club Dr., Ste. 22, Mesa, Arizona 85215
Phone (480) 960-2207 Fax (480) 960-2208

FIGURE 1
PAGE 2 OF 2
WATER LINE EASEMENTS ABANDONMENT MAP
APRIL 10, 2012

EXCLUSIVE WATER LINE EASEMENTS



- LEGEND**
- Indicate Soil Base Cap
 - Indicate Final Manhole, as noted
 - Indicate Course of Substation
 - Indicate Boundary of the Substation
 - Indicate "X" Public Utility Easement



COUNTY RECORDER
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MAIN STREET COMMONS
CLINT, ARIZONA

FINAL PLAT

03-065

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03-065

03-065

Geps group, Inc.
Engineers, Planners & Surveyors
2110 - S. County Club Dr., Ste. 22, Mesa, Arizona 85210
Phone: (480) 965-2222 Fax: (480) 965-2222

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING THAT A CERTAIN SECTIONS OF PUBLIC WATER LINE AND SEWER LINE EASEMENTS ARE NO LONGER NECESSARY FOR PUBLIC USE WITHIN THE TOWN AND DECLARING SUCH EASEMENTS ABANDONED TO THE UNDERLYING PROPERTY OWNER.

WHEREAS, the owners of land located within the corporate limits of the Town of Gilbert have petitioned the Town Council to abandon certain sections of public water line and sewer line easements ("Easements") across their property; and

WHEREAS, said sections of Easements located in the Southwest Quarter of Section 33, Township 1 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, are no longer necessary for public purposes; and

WHEREAS, after reviewing all the facts and testimony given, the Council finds that the Easements are not necessary for the public welfare, use, and convenience.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, that certain Easements recorded at Book 753, Page 18, Official Records of the Maricopa County Recorder, and more particularly described on Exhibit A, are hereby declared abandoned and ownership shall revert to the underlying property owner; and

FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to record a copy of this Resolution with the Maricopa County Recorder evidencing the permanent abandonment of said Easements.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA THIS 19th DAY OF APRIL, 2012.

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 19th day of April, 2012.

John W. Lewis, Mayor

ATTEST:

Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:

Curtis, Goodwin, Sullivan, Udall, & Schwab, P.L.C.
Town Attorneys
By: Susan D. Goodwin

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EXHIBIT A

DESCRIPTION OF THE
ABANDONMENT OF PUBLIC WATER LINE AND SEWER LINE EASEMENTS
WITHIN A PORTION OF THE FINAL PLAT OF
MAIN STREET COMMONS (MCR BOOK 753, PAGE 18)

Abandonment of all those certain existing exclusive Sewer Line Easements within Parcels 1, 2, 3, 4, 5, 6, and 7 as shown and dedicated on sheet four (4) of five (5) and;

Abandonment of all those certain existing exclusive Water Line Easements within Parcels 1, 2, 3, 4, 5, 6, and 7 as shown and dedicated on sheet five (5) of five (5);

of the FINAL PLAT OF MAIN STREET COMMONS, recorded on June 8, 2005, in Book 753, Page 18, Maricopa County Records (MCR), lying within a portion of the southwest quarter of Section 33, Township 1 South, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Subject to easements, covenants, conditions, restrictions and rights-of-way of record.

